

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

MARK WAYNE PORTER, JR.,

Defendant.

8:08CR402

TENTATIVE FINDINGS

The Court has received the Presentence Investigation Report (PSR). No objections to the PSR have been filed. The Court advises the parties that these Tentative Findings are issued with the understanding that the sentencing guidelines are advisory.

IT IS ORDERED:

1. The Court's tentative findings are that the Presentence Investigation Report is correct in all respects;
2. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;
3. Absent submission of the information required by paragraph 2 of this Order, my tentative findings may become final; and
4. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 29th day of January, 2009.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge